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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixth session

SUMMARY RECORD OF THE 132nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 April 1994, at 3 p.m.

Chairperson: Miss MASON

CONTENTS

Consideration of reports of States parties

Pakistan

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Pakistan (CRC/C/3/Add.13: CRC/C.5/WP.1)

1. At the invitation of the Chairperson, Mr. Hashmi (Pakistan) took a seat at the Committee table.

2. Mr. HASHMI (Pakistan) thanked the Committee for the opportunity to share some views on the initial report submitted by Pakistan (CRC/C/3/Add.13), and informed it that, due to unforeseen circumstances, a four-member delegation from Pakistan had been unable to attend the current meeting. He assured the Committee that the absence of a delegation in no way implied a lack of interest in the Committee's work or of seriousness in implementing fully the Convention on the Rights of the Child. He hoped that the dialogue between the Committee and Pakistan would be constructive and beneficial for the rights of the child generally, and in Pakistan in particular.

3. Of a total population of 117 million in Pakistan, 52 million were under 15 years of age. It was not surprising that, with a per capita income equivalent to around US$ 400 and a literacy rate of roughly 34 per cent, there was a practice, in some parts of Pakistan, of employing minors, i.e. persons below 15 years of age. The Government had taken serious note of the practice and was employing all possible means to solve the problem.

4. Pakistan had been one of the first countries to ratify the Convention on the Rights of the Child, and it had also developed a number of institutional arrangements for children's welfare and development, through various federal ministries, divisions and provincial departments. Within the Federal Ministry of Special Education and Social Welfare, the National Commission for Child Welfare and Development (NCCWD) was the lead agency for coordinating policies and programmes relating to the Convention; and various constitutional provisions and laws provided for children's welfare and development. In addition, Islamic laws and the social values prevalent in the country, including the extended family system, exercised a beneficial effect for the survival, protection and development of children.

5. The Government of Pakistan had developed a National Programme of Action for children in the 1990s. Pakistan had been one of the initiators of the World Summit for Children, and was fully committed to children's welfare. The National Programme of Action for children had been conceived in a context of the Social Action Plan, one of the priority areas of the Eighth Five-Year Plan (1993-1998); it aimed, inter alia, to reduce the infant mortality rate by 50 per cent, improve access to primary education, safe water supplies and basic sanitation facilities, expand immunization programmes for children, provide basic health facilities in urban and rural areas, and reduce the illiteracy rate by half. Under the auspices of the Ministry of Culture and Sports, special programmes for children were organized, to encourage them in subjects such as music, dancing, speech, writing and painting. The Prime Minister herself was fully committed to the cause of children and had established a national children's fund with an initial grant of US$ 2 million.

6. No country could claim to be a heaven for children. Most of the problems of children in Pakistan were related to socio-economic conditions in the country, the more so on account of resource constraints. Despite the latter, however, the Government was fully committed to protecting and promoting the rights of the child and would continue its efforts in that regard. The Government had already submitted detailed replies to the questions raised by members of the Committee; he himself would try to respond to any additional matters raised. If, however, it was felt that some points needed further clarification, they would be forwarded promptly to the authorities in Pakistan.

7. The CHAIRPERSON thanked the representative of Pakistan for his statement. She suggested that the Committee should refer to the list of issues (CRC/C.5/WP.1) to be taken up in connection with the initial report of Pakistan (CRC/C/3/Add.13), starting with the section entitled "General measures of implementation". The issues were as follows:

"General measures of implementation
(Arts. 4, 42 and 44, para. 6 of the Convention)

1. Upon ratification, Pakistan made a reservation according to which the provisions of the Convention shall be interpreted in the light of principles of Islamic laws and values. In para. 31 of the report, it is recognized that 'practically no provision of the Convention comes into direct conflict with any of the major precepts of Islam, barring the matter of adoption for which an appropriate provision has already been made in the Convention'. (See also para. 37 of the report.) Having this in mind and in the spirit of the World Conference on Human Rights, which encouraged States to consider reviewing any reservation with a view to withdrawing it (A/CONF.157/23, II. para. 5), please provide information on whether the Government is considering the need of maintaining such reservation or the intention of withdrawing it.

2. Please provide information on the process followed to prepare the report, including with regard to the involvement of non-governmental organizations.

3. What further concrete measures have been taken to ensure that the principles and provisions of the Convention are made widely known to adults and children alike (report paras. 47, 155, 167, 170, 178(b), 181)? What specific training has been conducted including for professional groups working with and for children?

4. In the light of the different mechanisms intervening in the field of welfare policies for children, including the National Programme of Action, please indicate:

(a) in what ways these mechanisms ensure the coordination of their activities, including between federal and provincial levels, to promote all the rights of the child recognized by the Convention and monitor their implementation (report paras. 33, 44, 49, 59(e), 93, 99, 174, 178(a), 188, 191);

(b) in what way these mechanisms relate to the non-governmental organizations in the country, at the national, provincial and local level (report paras. 47, 160 and 174) and how popular participation is ensured.

5. What concrete measures have been taken, or are foreseen, to make the report on the implementation of the Convention widely available to the public at large, in the light of article 44, para. 6 of the Convention?

6. What is the status of the Convention in relation to the Constitution, federal and provincial law? Can the provisions of the Convention be invoked before the courts? (report para. 34).

7. Please indicate any development occurred following the process of compilation of existing legislation, mentioned in paragraph 35 of the report (see also paras. 36, 89(a), 159, 171, 172, 182 and 183), as well as measures taken in the light of the Islamabad Declaration on Survival, Protection and Development of the Child, which proposed the establishment of a committee 'for monitoring and speeding up implementation of legislation concerning rights of the child'.

8. Please provide information on the way the situation mentioned in paragraph 23 of the report is in conformity with the Convention, with the principle of equality before the law recognized by the Constitution of Pakistan and with paragraph 31 of the report.

9. Please describe steps taken to implement article 4 of the Convention, namely in regard to the allocation 'to the maximum extent of the available resources', to ensure the implementation of economic, social and cultural rights.

10. Please indicate what proportion of the national, federal and provincial budget, is allocated to social expenditure for children, namely in the light of the 'first call for children', recognized in paragraph 52 of the report (see also paras. 47(b), 51, 59, 65, 162, 184, 185).

11. What share of international assistance is devoted to the implementation of the Convention (para. 185 of the report)?"

8. Mrs. BELEMBAOGO said that the Committee regretted the absence of the delegation of Pakistan, but hoped that the questions and comments raised in connection with the initial report of Pakistan could be dealt with satisfactorily. The Committee was aware of Pakistan's concern for the cause of children, as exemplified in its participation in the World Summit for Children. Having considered the initial report of Pakistan, the Committee had produced a list of issues; it felt, however, that the replies relating to those issues were not complete, and would like to have further clarification about certain matters.

9. One such matter, referred to in issue No. 1 under "General measures of implication", was the question whether the Government of Pakistan felt the need to maintain the reservation made on account of the application of Islamic law in that country or whether it felt that the reservation could be withdrawn. The Committee had been informed that the Government was reconsidering the reservation; she wondered whether the intention was to signify an official withdrawal in accordance with article 51, paragraph 3, of the Convention on the Rights of the Child.

10. With regard to issue No. 2, no information had been given with regard to the involvement of non-governmental organizations. She wondered whether the reason was that non-governmental organizations had not been involved, or whether it was simply a question of failure to obtain the requisite information in time.

11. Mrs. SANTOS PAIS said that the Committee considered the matters covered by the first section of the list of issues to be crucial, since they reflected a Government's true commitment, in legislation and practical application, to the cause of children. Pakistan had clearly shown a positive spirit; it had ratified the Convention at an early stage, its Prime Minister had been one of the prime movers of the World Summit for Children, and it was honestly self-critical in its approach, as could be seen from the final part of its initial report. At the same time, it was disquieting that the Committee's guidelines had not been followed; the latter were intended as an important tool, to ensure, inter alia, that the rights of the child were viewed in a holistic way. It would appear from paragraph 37 of the report, which referred to a study, sponsored by UNICEF, of Pakistani laws with reference to the Convention, that the latter's provisions were generally comparable with the provisions of the Constitution of Pakistan as well as prevalent laws. Therefore, and in view of the later reply to the effect that the Ministry of Justice and the Ministry for Foreign Affairs were to study the matter with a view to considering a possible withdrawal of the reservation, she urged the authorities of Pakistan to consider doing so in the very near future. She recalled that, at the World Conference on Human Rights, all States which had entered reservations in respect of the Convention on the Rights of the Child had been encouraged to withdraw them. In the case of Pakistan, moreover, it was difficult for the Committee to judge whether the Convention's provisions were to be interpreted in the light of Islamic principles rather than in the light of that instrument itself.

12. Mr. HAMMARBERG said that it was not by chance that, both at the World Conference and in the Convention, it had been stressed that any reservations made must be specific. It seemed to him, however, that the reservation made by Pakistan was of a sweeping nature, and that it could undermine the force of the Convention in Pakistan and in the region concerned. If, as stated in the report, there was felt to be no conflict between the Convention's provisions and those of Islamic law as applied within the country, it seemed that the only impact of the reservation was on the spirit of the Convention, thus undermining the latter's force - an unfortunate situation.

13. Mr. KOLOSOV said it was a principle of international treaty law that no reservation could be accepted if it undermined the purpose of the treaty concerned. A reservation of the sort made by Pakistan did, however, undermine one purpose of the Convention on the Rights of the Child, which was to uphold the principle of non-discrimination. He hoped, therefore, that the representative of Pakistan would be able to signify to his authorities that the reservation was unacceptable and that the matter required urgent attention.

14. The CHAIRPERSON invited the representative of Pakistan to respond to the comments made by members of the Committee.

15. Mr. HASHMI (Pakistan) said that he had taken note of the points raised, especially with regard to the reservation, and would have them forwarded to his authorities if they represented the unanimous views of the Committee. With regard to the reservation, some religious and cultural differences prevailed, as everyone was aware, and it was very difficult to accept anything tantamount to a challenge to the basic ethos of a people. The National Commission for Child Welfare and Development was planning to take up the question internally, and it would consider the recommendation that, if there was nothing that conflicted with the fundamentals, the reservation might be reconsidered. Although the Committee's concerns were fully appreciated, it had to be recognized that the evaluation taking place within Pakistan must also pay due heed to national factors. The Government was willing to cooperate with the Committee, but the latter should keep in mind that a country had the right to interpret provisions in the light of domestic factors, especially religion.

16. The CHAIRPERSON assured the representative of Pakistan that the question of reservations was regarded as highly important by all the members of the Committee.

17. Mr. HAMMARBERG noted that the Convention had been unanimously adopted, at the General Assembly's forty-fourth session, by all Member States, including Pakistan. Later, at the World Conference on Human Rights, the question of reservations had been raised, the idea being that to withdraw reservations which seemed unnecessary would strengthen the Convention's impact. As he saw it, the question was one of political will. The withdrawal by Pakistan of its reservation would be not simply a legal procedure but an important signal of the paramount importance of the rights of the child.

18. Mrs. SANTOS PAIS agreed that the question of reservations was one to which every member of the Committee attached great importance in all cases, not simply that of Pakistan. Likewise, they all agreed that priority should be accorded to the rights of children; the Committee was encouraged to note the recognition of that priority in the report of Pakistan and, in particular, in the commitment that the Prime Minister showed to the cause of children. It was no accident that the Vienna Declaration and Programme of Action unanimously adopted at the World Conference on Human Rights recognized that, while the significance of a country's national ethos should be borne in mind, every State had a duty to protect all human rights and fundamental freedoms. In that spirit, the Committee urged the Government of Pakistan to pay special

attention to the possibility of withdrawing the reservation. Such was the view of the Committee, which would be reflected in its documentation.

19. Mr. HASHMI (Pakistan), replying to a question by the CHAIRPERSON, said that non-governmental organizations were involved in preparing programmes and in other activities and projects, such as "SOS villages", to promote the welfare of children. He was not in a position to comment on the lack of information about NGO activities in the report, but felt that the reason was probably lack of time or inputs when the report was being drawn up.

20. Mrs. EUFEMIO said she felt the Committee should be given more information about the National Programme of Action for children. In particular, she would like to have information relating to enabling legislation, implementation mechanisms, including details of targets, monitoring and statistics, and the role of the National Commission for Child Welfare and Development and its provincial counterparts. She would also appreciate information relating to the action of the Ministry of Special Education and Social Welfare and the various Federal Ministries, Divisions and Provincial Departments, which had been mentioned in a general way, and she would like to know more about the role of the Pakistan Commission for Human Rights in the relevant national activities.

21. Mrs. BELEMBAOGO, referring to the written reply to issue No. 6, to the effect that the provisions of the Convention could not be invoked in local courts, asked what effect the Government's ratification of the Convention had had on national legislation and whether the Government intended making the legislative changes recommended by the National Commission for Child Welfare and Development.

22. Mr. HAMMARBERG said that one of the points made by a group of United Nations officials meeting in Islamabad prior to the elections was that institutional reform in Pakistan was long overdue, and he wondered what steps had been taken or were planned by the new Government to correct that problem.

23. Paragraph 114 of the report which stated that only 43 per cent of children nationwide were well nourished merely confirmed suggestions by such agencies as UNDP and WHO that too little emphasis was placed on social and economic requirements as compared, for example, with military requirements. Given also that, according to paragraph 119, school attendance by females was far lower than that of males, and that the female target for access to primary education by the year 2000, shown in paragraph 50 as being 80 per cent, was unlikely to be achieved, he wondered whether the National Programme of Action was of any value at all to children. Unless the Committee could see signs that the Pakistan Government was starting to take its international commitments seriously and was prepared to introduce radical institutional reforms to improve the situation of children, its discussions with the State party would amount to nothing more than a verbal exercise.

24. Mrs. SANTOS PAIS, while commending the efforts to create awareness of the Convention in Pakistan, in particular to include provisions of the Convention in the school curricula, wondered what steps were being envisaged to improve awareness among the masses, which professional groups other than teachers were being targeted for those activities, in what ways children were being informed

of their rights, and what ways had been found to make the Convention understandable to children, so that it would contribute to their development and to their participation in the family and in society.

25. Although an impressive number of institutions in Pakistan was already involved in implementing the Convention, there were suggestions in paragraphs 44, 59 (e), 93 and 96 of the report that others were needed. She therefore sought further information on how the existing institutions were coordinated and on the role of the NGOs within those structures.

26. The statement in paragraph 23 of the report that the Islamic laws were non-codified, and varied from sect to sect, suggested that the law might not impart the necessary security. The Committee would welcome further information on that issue.

27. On the question of budgetary appropriations and in relation to article 4, given that health and education were provincial responsibilities, she wondered how the budget catered for the needs of children living in the provinces and whether their rights to health and education were assured.

28. With regard to international assistance (issue No. 11), and the various references in the report to the lack of resources and constraints of various kinds, she observed that while resources were provided for the benefit of children by the multi-donor task force for Pakistan, and the international community was prepared to assist where needed, it was up to Pakistan to identify the areas of need and where help was required.

29. Mr. KOLOSOV said the Pakistan Government's aim to try to make its report available to whoever required it (written reply to issue No. 5) was not good enough. The Government had an obligation under article 44, paragraph 6, of the Convention to make the report widely available in the country. Such dissemination was particularly important in countries like Pakistan which had a high rate of illiteracy and whose populations were largely ignorant of the Convention.

30. The Government's obligations under article 4 were equally important, particularly in relation to individual, civil and political rights. Given that the Convention was not self-operative and could not be invoked in a court of law, how could an individual defend his rights under national legislation? Furthermore, although the National Commission for Child Welfare and Development had recommended certain legislative amendments in the light of the Convention, there had been little follow-up by the Government. The Committee had noted that some amendments had already been adopted and that others were under consideration. It also understood that it took time to implement changes. Nevertheless, in order to assess the Government's progress in implementing the first part of article 4, the Committee would like to have some idea of the length of time needed to bring national legislation into line with the Convention.

31. Mr. HASHMI (Pakistan), emphasized that while the Government had the will to make the necessary changes, its activities had been hampered largely by political instability. Three Governments in three years had made continuity impossible: laws which had been promulgated had not been fully implemented,

established institutions had not been strengthened, and much needed new institutions had not been set up. In that respect, Pakistan shared the predicament of many third world countries. While the delegation was therefore grateful for the Committee's comments, it could not respond to the majority of specific points raised, some of which, in any event, needed replies from a more qualified source. Those questions would therefore be transmitted to the relevant departments and services in Pakistan.

32. As far as resources were concerned, the Government was not spending the amounts recommended by UNESCO on health and education, and was aware that higher expenditure on social issues was desirable. The problem was to decide how the situation could be improved while at the same time coping with the political difficulties and high population growth. Differences from the viewpoint of legal treatment certainly existed between the different religious groups, but rather than attempting to eliminate them, the best approach would surely be to seek ways in which they could be turned to some advantage. Indeed, the only way forward was to view the situation in a much wider context. Changes could not be expected overnight. Overwhelmed by social and economic problems, the Government had to juggle its resources and do what it could where it could. It had no wish to keep its population illiterate but could not, for example, force children to go to school when they were needed to work the land. Such a mentality in a population with a 32 per cent illiteracy rate would be very slow to change. The important thing was that the Government was trying to improve standards: it could not be expected to meet deadlines.

33. It would be useful if the Committee would indicate how his Government's report could be improved from the technical standpoint. Pakistan would greatly appreciate any input from the Committee, which had considered reports from various countries with problems similar to its own. It would like to know what kind of help those Governments wished to obtain from the international community and what they had done locally prior to requesting international resources. It would also be useful if the Committee could make suggestions and categorize the problems facing various countries such as population growth, political instability and lack of resources.

34. Mr. HAMMARBERG said that the report of the Government of Pakistan could have reflected a greater sense of urgency in connection with the problems under discussion. It was true that the Convention provided for the gradual implementation of some aspects but many of its articles involved political will and did not relate to resources. With regard to such matters as health and education, the Convention left no room for gradual implementation.

35. Referring to an open letter to Pakistan on human development from heads of United Nations agencies resident in Islamabad issued early in 1993, he said he had sensed a feeling of despair on the part of the international community. One of the problems those agencies had faced was the fact that no institution was equipped to carry out the Pakistani side of cooperation. One year had elapsed and there was still no sign that the letter had given rise to discussion by the Pakistani authorities and that a decision had been taken to strengthen the administrative machinery with a view to becoming a more effective partner. One possible way to deal with the matter would be to

establish an independent authority that would monitor the action taken by other authorities to help children and draw attention to problems with a view to assisting the executive authority.

36. Noting that there was a clear link between the situation of women and that of children, he recalled that the Government of Pakistan was considering the possibility of ratifying the Convention on the Elimination of All Forms of Discrimination against Women. In that connection, he said that an improvement in the situation of women would have a positive impact on that of children.

37. Another specific proposal related to the matter of budget priorities. In that respect, the last three Governments in Pakistan had adopted more or less the same policy by according low priority to education.

38. Drawing attention to the proposal called the 20/20 approach under which 20 per cent of international assistance would be for human development provided that the local authorities were prepared to allocate 20 per cent of their expenditure to social priorities, he noted that Pakistan was not allocating 20 per cent of its budget to such priorities. If a Government genuinely wished to achieve social development, it must be prepared to make provision for social expenditure for children in its budget.

39. Mrs. BELEMBAOGO said that it was important for the Committee to understand the difficulties faced by Governments and on that basis to make proposals and suggestions. In other words, the Committee did not confine itself to asking questions and requesting clarifications although that helped it to make an objective evaluation, to enter into a dialogue and to make suggestions and recommendations not only to Governments but also to their partners. If a Government sought to carry out a vaccination programme and to vaccinate one million children a year and found that at the end of the year only half that number had been vaccinated, it had to ascertain why that situation had arisen and how to deal with it.

40. The Committee recognized that a number of countries had freely chosen Islam as their State religion. However, when one evaluated the reservations made by Islamic countries, it was apparent that many of those countries had been objective in their approach and had made a specific reservation based generally on the question of adoption. That situation was understandable since the Quran made no provision for adoption, it did provide for another arrangement, where necessary. Therefore, there was no contradiction and the reservation could be accepted. The problem at hand related to the formulation of the reservation entered by Pakistan, which was very broad and meant that it affected all the provisions of the Convention. In that case, there was a risk that not all the provisions of the Convention would be taken into account by national legislation. Citizens would therefore be unable to invoke the Convention in the event of a contradiction with national legislation.

41. The ratification by a Government of a Convention meant that it accepted that the Convention could be invoked before the courts at any time in the event of a conflict with national legislation. However, if the Government said that despite such ratification, its citizens could not invoke the Convention, that constituted a legal contradiction.

42. She hoped that the representative of Pakistan understood that the Committee was seeking to improve its knowledge of the situation and that, on the basis of the information provided, it would make proposals designed to determine where the difficulties lay and make recommendations concerning international cooperation.

43. Mr. HASHMI (Pakistan) said that he shared the concern expressed about discrimination against women. However, he wished to draw attention to the fact that in his country a woman had been appointed Prime Minister on two occasions.

44. Mrs. EUFEMIO said she believed that those who had prepared the Pakistani National Plan of Action had considered the question of time, since a good plan should have time-limits. In that connection, she noted that the Plan included a deadline for the review of legislation.

45. The National Commission for Child Welfare and Development collected information from various federal and provincial ministries and other governmental agencies and was a major agency entrusted with the task of monitoring the implementation of the Convention in the country. It should be noted that one of its objectives was to promote planning and development of child welfare work.

46. With regard to the National Programme of Action, the monitary value of assistance provided by UNICEF, UNESCO, WHO, ILO and other United Nations bodies was regarded as an impressive asset by the Government.

47. Mrs. SANTOS PAIS said that the Convention referred to the international obligation of States to submit a report, which was due two years after ratification. That meant that the State had two years in which to evaluate the existing situation, to indicate the measures adopted to implement the rights recognized by the Convention and to inform the Committee of the impact of those measures on the enjoyment of rights by children. The Government was also encouraged to enable the Committee to understand the reality of the situation by indicating various factors and difficulties encountered. The dialogue the Committee established sought to enable it to be acquainted with the sitatuion prevailing in Pakistan.

48. With regard to the suggestion that the Committee should categorize countries, she would not like the Committee to adopt such a practice. The Committee was concerned with the rights of children everywhere in the world and she could not agree to any proposal to label a particular country as good or bad.

49. It was important not to forget that the primary responsibility of each State party was to ensure respect for the rights recognized by the Convention.

50. She was concerned about the lack of coordination of the various institutions involved in Pakistan and stressed the need to establish interaction between the activities of the various sectors. Otherwise, there would be duplication of effort by various bodies.

51. She was also concerned at the statement in paragraph 27 of the report of Pakistan to the effect that a striking aspect of the situation of children was poverty and the fact that about 20 million children lived in a context of pronounced regional disparity. Consideration therefore had to be given to ways to overcome that disparity.

52. Noting that article 25 of the Constitution recognized the right of all to enjoy equal treatment before the law, she said that in fact the provision only referred to citizens so that not everyone was entitled to such treatment. Under paragraph 2 of the article, discrimination on the basis of sex alone was prohibited, which was a reference to one of the criteria contained in the Convention. Therefore, if the Convention could not be invoked in Pakistan, it was necessary for the Committee to be informed of what other criteria could be used in Pakistan to realize the rights recognized by the Convention. That was why members of the Committee had to ask questions in order to be better equipped to help the Government of Pakistan to find the best solutions. Its role was not only one of monitoring but also of encouraging the building of national capacity in order to improve the implementation of the Convention and to involve every sector of society, in particular children because they would be important actors in that endeavour.

53. Mr. KOLOSOV, referring to issue No. 10, said that it would be preferable if children were given a separate financial allocation in the budgets established for the Social Action Programmes referred to in paragraph 65 of the report. It was a general human experience that in any allocation of funds the strongest and most vocal groups, who were able to exert pressure and organize themselves effectively, usually succeeded in attracting the lion's share of what funds were available. Children were weak, they were not organized, they could not stand up for themselves. It was true that there were plans to set up a National Children's Fund but it was not yet in operation and, moreover, would be quite small, representing only three cents for each of the 52 million children in Pakistan. The funds set aside for the Social Action Programmes were much larger, the equivalent of US$ 3.3 billion, but because the budget was not broken down into separate action categories it was not clear to what extent children would benefit from those funds. The Committee might therefore consider recommending that a significant portion of the budget of the Social Action Programmes should be specifically set aside for social action for the child. Such action would be in compliance with article 3 of the Convention and as such the recommendation, which would ultimately come before the General Assembly for acceptance when it was considering the Committee's report, should be acceptable to the Pakistan authorities.

54. Mr. HASHMI (Pakistan) said that his reference to categorization had not been intended to imply that children ought to be divided into different categories. Children's problems were universal and they had to be tackled on a universal basis. His point had merely been that since there were a number of problems shared by countries in similar situations, it would be useful to identify those problems.

55. Turning to the suggestion that social action for children should be given separate status, he pointed out that the aim of the Social Action Programmes was to improve the overall standards of the community; achievement of its

general aims would thus necessarily lead to improvement of education, the health system, immunization, sanitation and other areas of benefit to children. Since the end result would be to improve the child's environment, it would not be of benefit to disassociate action for children from action on their environment.

56. The CHAIRPERSON drew attention to the section entitled "Definition of the child" in the list of issues issued in document CRC/C.5/WP.1 which read:

"Definition of the child
(Art. 1 of the Convention)

1. Please provide information on the minimum legal age for criminal responsibility, deprivation of liberty, capital punishment, life imprisonment and to give testimony before the court.

2. What is the age for the end of compulsory education and its relation to age of employment, namely in light of paragraphs 30 and 42 of the report and articles 1, 28, 29 and 32 of the Convention?

3. In cases where the girl child is treated differently by the law, as referred to in paras. 19, 20, 24 and 38, to what extent is article 2 of the Convention taken into consideration (see also report para. 69)?

4. In what cases is the criteria of attainment of puberty used by the law and to what extent may it preclude the realization of the rights of the child recognized by the Convention (paras. 24 and 158 of the report)?

57. Mr. HAMMARBERG said that with regard to the minimum legal age for criminal responsibility he had some questions which it would be preferable to discuss when the time came for consideration of special protection measures. Similarly, he had a number of concerns about the age aspect of gender which he would raise later during the consideration of non-discrimination.

58. Mrs. SANTOS PAIS said that she too would defer most of her concerns over the minimum legal age for criminal responsibility to a later stage. However, with regard to the written response to that issue she noted that it appeared to be for the court to decide whether a child of any age had sufficient maturity of understanding to testify before it, although no information was provided on the suitability of asking a child to testify on any particular question nor how the best interests of the child were to be taken into consideration. Furthermore, the ability of the court to call a child as a witness contrasted with the child's inability or ignorance of how to obtain information on its legal status or its rights or how to seek legal redress for maltreatment or exploitation.

59. The written reply by Pakistan to issue No. 2 had been that education was not compulsory in Pakistan, although it was a principle of policy of the State to make it so. That was surprising in view of the statement in the report that lack of education was a factor that perpetuated poverty and the comment by the representative of Pakistan that illiteracy was a major problem. Paragraph 56 of the report further stated that universal enrolment in primary education was a goal for the year 2000. What steps were currently under way

to achieve that goal, now not so far distant? Paragraph 30 of the report drew attention to the 8 million working children who remained away from school, thus demonstrating that Pakistan recognized the link between employment and non-attendance at school.

60. Mr. HASHMI (Pakistan) said that universal primary education and literacy were priority commitments of the Government precisely because the conditions to make them fully compulsory were not yet available. Expansion of access to education had formed part of all action plans and progress was gradually being made. For example, in Pakistan's two most populous provinces, Sindh and Punjab, primary education was already compulsory.

61. Mrs. SANTOS PAIS asked why the law on compulsory education mentioned in paragraph 182 of the report was not being implemented.

62. Mr. HASHMI (Pakistan) said that before he could clarify the point it would be necessary to determine whether national or provincial law was involved.

63. The CHAIRPERSON said it was clear there was a need to ensure coordination of all laws in Pakistan and bring them into conformity with the provisions of the Convention, which Pakistan had ratified.

64. She drew attention to the section of the list of issues entitled "General Principles", which read:

"General Principles

Non-discrimination
(Art.2 of the Convention)

1. Please provide information on the way the principle of non-discrimination, recognized by article 2 of the Convention, is fully reflected in national law (report para. 175).

2. Which measures have been taken to reduce disparities between rural and urban areas and to ensure the implementation of the Convention to the most disadvantaged groups of children, including children belonging to minorities or indigenous communities, refugee children and disabled children?

3. What steps have been taken to prevent and eliminate discriminatory attitudes or prejudices and to ensure an effective protection against discrimination, in particular towards the girl child (see art. 2 of the Convention)?

4. What measures have been taken to ensure the use of disaggregated indicators on the basis of age group, gender, rural and urban categories, as mentioned in paragraphs 93 and 96 of the report, and which have been the results for policy making?

Best interests of the child
(Art.3 of the Convention)

5. In what way is the principle of the best interests of the child recognized by article 3 of the Convention, reflected in legislation or other actions undertaken by public or private social welfare institutions, courts of law or administrative authorities?

The right to life, survival and development
(Art. 6 of the Convention)

6. Please indicate what measures have been adopted to ensure, to the maximum extent possible, the survival and development of the child in the light of article 6 of the Convention.

Respect for the views of the child
(Art.12 of the Convention)

7. Please provide information on the ways in which the principle of respect for the views of the child is reflected in all matters affecting the child, including in legislation, judicial and administrative proceedings.

8. What steps have been taken to encourage the participatory rights of the child?"

65. Mr. HAMMARBERG, referring to the question of discrimination on grounds of gender, said it was important to draw attention to the link between discrimination against women in general and violation of the rights of the child. Even as late as 1991-92 in Pakistan (para. 119 of the report) only 38 per cent of all newly enrolled pupils were girls. Thus, gender disparity was continuing into the rising generation. Moreover, the goals for the year 2000 of the National Programme of Action (para. 50 of the report) with regard to access to primary education were only 80 per cent for girls as opposed to 100 per cent for boys. He asked whether enough was being done to avoid discrimination in the fundamental area of education in the years ahead.

66. Mr. HASHMI (Pakistan) said that gender discrimination in education did not exist in law; the reason for the imbalance between the genders were social attitudes in remote rural or tribal areas. The Government was anxious to have 100 per cent of girls educated but custom and tradition hampered the achievement of that goal.

67. The CHAIRPERSON asked what the Government was doing to encourage change in such social attitudes, given its commitment to the eradication of illiteracy.

68. Mr. HASHMI (Pakistan) said that the goals stated were not to be taken as the Government's objectives but were in fact merely a recognition of the realities of the situation on the ground. The Government was endeavouring, within the limits of its resources, to open up as many schools as possible, but it could not all at once overcome the resistance of rural or tribal leaders to permit their children, and particularly their girls, to attend

them. Progress could only be made step by step through persuasion. It was unfortunately true that Pakistan would not be able to achieve universal literacy in the near future. However, advances were being made and priority was being given to education as a means of achieving social change.

69. Mr. HAMMARBERG said the fact still remained that in 1991-92, 62 per cent of girls were denied the important right to start school. It was important in planning future action to make a distinction between facing reality and sending wrong signals. Building a gender disparity into future goals was an example of such a wrong signal, and one likely to lead to a negative spiral in which the 62 per cent of girls denied access to education today would become the mothers of children disadvantaged as a result. It would be more appropriate for the Government to adopt a more positive and energetic approach.

70. Mr. KOLOSOV, endorsing those views, said it would be better if the goals for the year 2000 reflected the Government's aspirations for equality of access to education for all in conformity with the Convention; should achievement in practice fall short of those goals corrective action could be taken at that time.

71. Mrs. EUFEMIO said that a slow rate of progress should not be considered acceptable. Pakistan's policies in the field of education should include bringing the Convention to the attention of its people and making them aware in particular of its provisions regarding non-discrimination against girls. Since the Convention seemed so far to have been translated only into Urdu, she asked what was being done to reach the non-Urdu-speaking population. The efforts being made in many countries to provide informal education within tribal groups to the illiterate could well provide useful pointers for Pakistan as would the UNESCO education for all strategy.

72. Mrs. SANTOS PAIS, noting that there appeared to be twice as many primary schools for boys as for girls in Pakistan, said that the involvement of women's organizations in the promotion of education for girls, which was touched on in the report, would provide a vital support to government action as such organizations were close to local communities and could act as a more forceful channel for persuasion than could the Government. Pakistan might well consider enhancing their role. Another area of gender discrimination was the legal age of marriage, which was 18 for boys but only 16 for girls. There were no objective grounds for such discrimination, particularly in view of the fact that upon marriage a girl would be considered adult and thus no longer benefit from the protection afforded by the Convention. As the report had recognized in paragraph 20, the 1875 Majority Act was not binding on other laws. A third area of gender discrimination lay in the recognition of criminal responsibility of persons on reaching the age of puberty. Girls reached puberty earlier than boys and would thus be treated as adults not liable to the protection of the Convention at a younger age. In those three areas discrimination appeared to be built into the law in contravention of article 2 of the Convention. Furthermore, lack of resources could not be regarded as an acceptable reason for failure to remove discriminatory practices.

73. Mrs. BELEMBAOGO noted that many third world countries were currently involved in efforts to remove the cultural and customary obstacles to the education, health and development of girls in close association with the cultural and religious leaders who wielded such enormous influence in their own societies. Such leaders, once persuaded of the need for change, were well placed to find the right strategies to mobilize people. They often made a considerable contribution as members of national committees concerned with application of the Convention. Pakistan might find it useful to exchange experience with such countries and also to look into UNICEF's experience with countries using innovative approaches to the education of girls or child health in order to devise strategies that would overcome its own problems.

74. Mrs. EUFEMIO said she had a deep concern for disadvantaged children, who were children in especially difficult circumstances. She asked what the Government of Pakistan was doing to improve the status of such children, since it appeared that most of the work in the area was at present being carried out by non-governmental organizations. Children in especially difficult circumstances made up only a small part of the total child population so that it should be possible for the Government to take some responsibility for them.

75. Mr. HASHMI (Pakistan) said that in the field of disadvantaged children the activities of the Government and the non-governmental organizations complemented each other.

76. Mrs. SANTOS PAIS said that Pakistan's recent endorsement of the conclusions reached by the South Asian Association for Regional Cooperation on the girl child was welcome evidence of its commitment in that regard.

The meeting rose at 6 p.m.